

Daniel J. Strachan  
Manager, Technical Programs



National Petrochemical & Refiners Association

1899 L Street, NW  
Suite 1000  
Washington, DC  
20036.3896

202.457.0480 voice  
202.457.0486 fax  
DStrachan@nptra.org

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C. Landis Plummer, Acting Secretary  
Office of the Secretary  
Federal Trade Commission  
Room H-135 (Annex P)  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

Re: **16 CFR Part 311 Comment**  
**Recycled Oil Rule, Matter No R511036**

Dear Mr. Plummer:

NPRA, the National Petrochemical & Refiners Association, appreciates the opportunity to submit our review and add comments on the Test Procedures and Labeling Standards for Recycled Oil (Rule). NPRA is a national trade association with 450 members, including those who own or operate virtually all U.S. refining capacity, as well as most of the nation's petrochemical manufacturers with processes similar to those of refiners. This rule directly impacts the production of lubricants and therefore is of significant importance to NPRA members. NPRA has reviewed both the subject Rule and the nine questions issued by the Commission as part of the overall review process.

NPRA's in-depth review of the nine questions posed by the FTC resulted in the formulation of two recommended actions that NPRA believes will make the rule more reflective and compatible with today's manufacturing and recycling processes. The first action would be the redefinition of "recycled oil." NPRA believes that the current definition of recycled oil in the Rule is too broad and could result in use of sub-standard products in the marketplace. The attached document provides definitions that NPRA believes reflect today's current manufacturing procedures and that would help ensure uniform, reliable products.

Secondly, NPRA suggests the Rule be reworded to state that the requirements will duplicate *the latest edition* of American Petroleum Institute ("API") Publication 1509. API 1509 is a standard that is reviewed and updated as manufacturing processes advance. The present wording of the rule calls out the fourteenth edition of API 1509. This allows the opportunity to manufacture product using an outdated API standard while still meeting the requirements of the Rule. By changing the wording to state "the latest edition of API 1509," the Rule would force manufacturers to meet any new requirements in revised editions of API 1509 if they are to comply with the Rule.

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NPRA supports the need for testing procedures and labeling standards for recycled oil. NPRA's members are dedicated to working cooperatively with the FTC as these proposed regulatory changes are developed, and as the corresponding final rule is promulgated and implemented.

Sincerely,

Daniel J. Strachan

Attachment

## **Definition of Re-refining**

Re-refined stock shall be substantially free from materials introduced through additization and use. Re-refining produces a base oil comparable to virgin base oils. It is capable of meeting current guidelines required to produce most current engine oil categories and licensing requirements as defined by API. (API Base Oil Interchangeability Guidelines, E.1.2.1 and API 1509 requirements )

## **Definition of Re-conditioning**

Use of a filtration system to remove insoluble impurities, combines with replenishment of key additives, to extend the lubricant's life

## **Definitions of Re-processing**

Processing means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived products. Processing includes, but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation.